IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT APPEAL Nos.674, 676, 678 & 706 of 2004

WRIT APPEAL No.674 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17-02-2003 in W.P. No.16089 of 2000 on the file of the High Court.)

Between:

1) Vallabhdas Pallod (died)

2) Brij Gopal Pallod, S/o.Govardhanlal Pallod,
age 63 years,

3) Purushotham Pallod, S/o.Govardhanlal Pallod,

age 58 years,

4) Shankerlal, S/o.Muralidhar Pallod,
age 66 years,

5) Smt.Sulochana Devi, W/o.Late Vallabhdas Pallod,
age 68 years,

6) Kamal Kishore, S/o.Vallabhadas Pallodi,
age 42 years,

All are R/o.Zaheerabad, Medak District.

..... APPELLANTS

AND

1) The Nagar Panchayat (Municipal Council)

Rep. by its Commissioner, Zaheerabad.

2) V. Prabhakar Goud, S/o.Vittal Goud,
R/o.Zaheerabad, Medak Dist.

3) The Joint Collector, Medak at Sangareddy.

4) The Mandal Revenue Officer, Zaheerabad,

Medak District.

.....RESPONDENTS

WRIT APPEAL No.676 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17-02-2003 in W.P. No.11581 of 2002
on the file of the High Court.)

Between:

Purushotham Pallod, S/o Govardhanlal Pallod,
age 58 years, R/o Zaheerabad, Medak District.

..... APPELLANT

AND

The Nagar Panchayat (Municipal Council),

Rep. by its Commissioner, Zaheerabad, Medak District.

.....RESPONDENT

WRIT APPEAL No.678 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17-02-2003 in W.P. No.16090 of 2000 on the file of the High Court.)

Between:

1) Vallabhdas Pallod (died)

2) Brij Gopal Pallod, S/o. Govardhanlal Pallod,
age 63 years,

3) Purushotham Pallod, S/o. Govardhanlal Pallod,
age 58 years,

4) Shankerlal, S/o.Muralidhar Pallod,
age 66 years,

5) Smt. Sulochana Devi, W/o. Late Vallabhdas Pallod,
age 68 years,

6) Kamal Kishore, W/o. Late Vallabhdas Pallod,
age 42 years,

All are R/o.H.No.1-2-123, Panduranga Mohalla,

Zaheerabad, Medak District.

..... APPELLANTS

AND

1) The Nagar Panchayat (Municipal Council),

Rep. by its Commissioner, Zaheerabad.

2) The Joint Collector, Medak at Sangareddy.

3) The Mandal Revenue Officer, Zaheerabad,

Medak District.

(Respondents 2 and 3 being quasi-judicial
authorities are not necessary parties)

.....RESPONDENTS

WRIT APPEAL No.706 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17-02-2003 in W.P. No.21800 of 2003 on the file of the High Court.)

Between:

The Municipal Council, Zaheerabad, Medak District
Rep., by its Commissioner.

..... APPELLANT

AND

Purushotham Pallod, S/o. Govardanlal Pallod,
aged about 58 years, R/o. Malathi Heights, Road No.1, Banjara Hills,
Hyderabad.

.....RESPONDENT

Counsel for the Appellants in W.A. Nos.674, 676, 678 and for the Respondent in W.A. No.706 of 2004: Mr. B. Mahender Reddy and
Mr. H. Venugopal, Advs.

Counsel for Respondents 1, 3 & 4 in W.A. No.674 of 2004 and for the Respondent in W.A. Nos.676 & 678 of 2004:
Mr. Polisetti Radhakrishna, S.C. for Municipalities

Counsel for Respondent No.2 in W.A. No.674 of 2004:

Counsel for the Appellant in W.A. No.706 of 2004:
Mr. R. Raj Kumar Rudra

The Court made the following :

COMMON JUDGMENT: Per Hon'ble Sri Justice B. Sudershan Reddy)

These writ appeals are being disposed of by a common judgment since the subject matter that arises for consideration in all the appeals is one and the same and the parties to the proceedings are also same.

The dispute between the writ petitioners and Zaheerabad Municipality centres around the entries made in the Record of Rights with regard to a piece of land situated in Zaheerabad town. The petitioners assert their right, title and interest and claim to be the owners of the said land.

One Goverdhanlal Pallod through whom the writ petitioners claim the title, purchased an extent of Acs.14-34 guntas of land in Survey No.146 situated at Zaheerbaad town under the registered sale deed, dated 4$^{t h}$ Ardibehist 1352 Fasli from one Mahmood Khan and took vacant possession of the said land. He also purchased an extent of Acs.3-12 guntas of land in Survey No.145 in the same town under the registered sale deed, dated 20th Tir 1352 Fasli from one Abdul Hafeez Khan.

Several acts and instances revealing the possession and enjoyment of the land by the writ petitioners are stated in vivid detail in the affidavit filed in support of the writ petitions about which there is no dispute raised by the Zaheerabad Municipality. That an Oil Mill and a building was constructed in the land in

Survey No.146 as early as in the year 1354 Fasli and the remaining land was being used for agricultural purpose.

The Zaheerabad Municipality itself came into existence in the year 1950. Part of Survey Nos.145 and 146 was assigned Municipal No.3-3-97. Minor part of Survey No.145 and major part of Survey No.146 were assigned Municipal No.3-3-98.

The remaining part of the land in Survey No.145 was given Municipal No.3-3-99. The entire land located in Survey Nos.145 and 146 is known as Subhash Gunj, Zaheerabad town.

The said Goverdhanlal Pallod sold an extent of Acs.7-05 guntas of land bearing Municipal No.3-3-97 located in Survey No.146 and an extent of Acs.3-12 guntas of land located in Survey No.145 to one Malani Commercial Company, Secunderabad, under the registered sale deed, dated

03-06-1960. The name of the purchaser was entered in the municipal records. That for whatever reason, the said Malani Commercial Company, Secunderabad, resold the land under the registered sale deed, dated 29-03-1973, in favour of the wife of Goverdhanlal Pallod and her three sons, Brijgopal, Rajgopal, and Purushottam. The writ petitioners applied for sanction and mutation of the lands and the Zaheerabad Municpality having considered the request of the writ petitioners, effected the mutation and accordingly incorporated the names of the writ petitioners in the municipal records in the place of Malani Commercial Company, Secunderabad.

Thereafter the writ petitioners filed declarations under the provisions of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short “Land

Reforms Act 1973") and after due verification, the Land Reforms Tribunal, passed orders including the said lands into holding of the writ petitioners viz., Brijgopal, Rajgopal and Purushottam and their mother.

That a Cinema theatre was also constructed after obtaining necessary permission from the Collector, Medak District, and the Municipality assigned a new number for the theatre and sanctioned mutation in the name of Brijgopal and his name was accordingly entered in the Property Register maintained by the Municipality.

That an extent of Acs.3-12 guntas of land in Survey No.145 was divided into various house plots for which purposes the Municipality sanctioned the layout submitted by the writ petitioners. The purchasers having purchased various house plots constructed buildings, shopping complex and the residential houses etc.

The case of the Zaheerabad Municipality is that the predecessor in title of the writ petitioners did not derive any title whatsoever under the so-called registered sale deeds, since the persons from whom the property was purchased themselves had no title. The lands in question were acquired by "the then Jagir administration for the purpose of abadi and necessary entries were recorded in the revenue records duly incorporating the name of "Khata Local Fund". That after abolition of Jagir administration, the property stood vested in the Government. The Municipal Administration is the only custodian of the property belonging to the Government by virtue of the provisions of the Municipality Act.

The subsequent action of the Municipality in assigning the municipal numbers,

entering the names of the writ petitioners and their predecessor in title in the Property Register maintained by the Municipality is of no consequence and such entries, if any, made do not by themselves confer any right, title and interest in the lands in question."

Be it as it may, the real controversy between the writ petitioners and the Zaheerabad Municipality began when the recording authority under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short "Pattadar Pass Books Act 1971") made an entry in the Record of Rights in Form – I in respect of both Survey Nos.145 and 146 incorporating and referring the property in question as "Khata Local Fund" which was understood to mean as 'Government land'. This entry was made while updating the Record of Rights under the provisions of the Pattadar Pass Books Act 1971. The writ petitioners immediately having came to know about the fact that such an entry was made in the Record of Rights in Form – I, immediately initiated proceedings before the Tahsildar, Zaheerabad Taluk for deletion of the entry "Khata Local Fund" and to enter their names in the Record of Rights. The Special Officer and the Commissioner of Zaheerabad Municipality was duly impleaded as party respondents to the proceedings. Notice was served on the Special Officer and was represented by the Standing Counsel for the Municipality. The Tahsildar verified and found that though the entry of 'Khata Local Fund' was made in the revenue records, the lands in question always remained in possession of late Goverdhanlal Pallod and after his demise, his successors in interest. Though the lands in question were sought to be acquired for the purpose of Municipality, the possession of the lands was not taken over and always remained with the original pattadars and thereafter with Goverdhanlal Pallod who purchased the same as early as in the year 1352 Fasli from the original pattadars.

Certain admissions made by the Municipality to the effect that the lands in

Survey Nos.145 and 146 were registered in the name of Sri Goverdhanlal Pallod in the Municipality records, were also duly taken into consideration by the Tahsildar for the purpose of disposal of the appeal/representation filed by the writ petitioners. The Tahsildar accordingly found that late Goverdhanlal Pallod having purchased the lands in question under the registered sale deeds in 1352 Fasli, continued to be in possession of the lands and after his demise, the writ petitioners continued to hold the possession of the lands.

The Tahsildar accordingly found that the Zaheerabad Municipality is not concerned with the lands in question, in any manner, whatsoever. The entries made by the recording authority in the Record of Rights of Zaheerabad Municipality against Survey Nos.145 and 146 were accordingly set aside and directions were issued to incorporate the names of the writ petitioners in Column – 9 of the Record of Rights as against Survey Nos.145 and 146 of Zaheerbad town. The order passed by the Tahsildar was accordingly implemented.

That after a long lapse of about a decade, one Srinivas Goud filed L.G.C. No.66 of 1991 on the file of the Special Court constituted under the provisions of the A.P. Land Grabbing (Prohibition) Act, 1982 against the writ petitioners characterising them as land grabbers with a prayer to recover the possession of the lands in question in favour of the Municipality. The Commissioner, Zaheerabad Municipality, as well as the Commissioner and Director of Municipal Administration, Government of Andhra Pradesh filed detailed counter affidavits admitting the right, title and interest of the writ petitioners over the lands in question and accordingly prayed for dismissal of the L.G.C. before the Special Court.

The Special Court dismissed the L.G.C. for default vide its order, dated 05-08-

1993. Restoration application filed by the applicant therein was also dismissed by the Special Court, vide its order, dated 21-04-1994.

Thereafter, one Prabhakar Goud, who is none other than brother of Srinivas Goud who filed the L.G.C. before the Special Court, filed an application before the Joint Collector, Medak at Sangareddy, purporting it to be under Section 9 of the Pattadar Pass Books Act, 1971 against the order passed by the Tahsildar, Zaheerabad Taluk in his proceedings No.A8/9882/80, dated 03-04-1981. The Zaheerabad Municipality also filed another revision seeking modification of the entries made in the revenue records of 1993 and 1994 in respect of the lands in question pursuant to the order of Tahsildar, Zaheerabad, dated 03-04-1981. In short, both the revision petitions were directed against the orders passed by the Tahsildar, dated 03-04-1981, whereunder and whereby necessary corrections in the Record of Rights were ordered to be made duly incorporating the names of the writ petitioners herein by deleting the entry “Khata Local Fund” in the Record of Rights. The Joint Collector entertained both the representations after a period of more than 14 years and allowed the same. The writ petitioners filed W.P. Nos.16089, 16090 and 11581 of 2002 challenging the said order and the same were dismissed by the learned Judge with liberty to approach the competent Court of civil jurisdiction for establishing the right, title and interest over the lands in question. Learned Judge did not express any opinion about the legality and correctness of the impugned order passed by the Joint Collector, dated 07-04-2000, whereunder the order passed by the Tahsildar, dated 03-04-1981, was reversed. W.A. Nos.674, 676 and 678 of 2004 were directed against the common order passed by the learned single Judge, dated

17-02-2003, dismissing the W.P. Nos.16089, 16090 and 11581 of 2002. The Municipal Council, Zaheerabad, preferred

W.A. No.706 of 2004 against the order passed by the learned single Judge in

W.P. No.21800 of 2003, dated 30-12-2003, whereunder the learned Judge allowed the writ petition filed by one of the writ petitioners directing the Municipality not to interfere with the possession and enjoyment of the lands in question, in any manner, whatsoever, except by initiating appropriate proceedings before the appropriate Forum.

Sri K. Ramakrishna Reddy, learned senior counsel, appearing on behalf of the writ petitioners, submitted that the impugned order passed by the Joint Collector, dated
07-04-2000, reversing the order passed by the Tahsildar, dated 03-04-1981, suffers from incurable legal infirmities as well as factual errors. The revisional jurisdiction could not have been exercised by the Joint Collector in purported exercise of the power under Section 9 of the Pattadar Pass Books Act 1971 after a long lapse of more than 14 years; the order passed by the Joint Collector is vitiated for the reason of non-application of mind, since the Joint Collector failed to notice even the admitted facts that are evident from the record. The view taken by the Joint Collector that the entries were directed to be modified without any notice to Municipality is contrary to the record; that the Standing Counsel for Municipality was represented before the Tahsildar during the course of hearing of the appeal/representation preferred by the writ petitioners seeking modification of the entries in the Record of Rights.

Per contra Sri N. Subba Reddy, learned senior counsel, appearing on behalf of the Zaheerabad Municipality, submitted that the order passed by the Tahsildar is *ex facie*, illegal and the same has been rightly interfered with by the Joint Collector. That even if, for any reason, it is to be held that the Joint Collector could not have exercised the revisional jurisdiction after a period of more than 14 years, this Court need not interfere with the same, since such

interference results in resurrection of the order of the Tahsildar, which is illegal. Learned counsel further contended that the

W.P. No.21800 of 2003 filed by the writ petitioner ought to have been dismissed i n *limine* and instead the learned Judge practically entered into disputed questions of title and possession, which is impermissible in law.

The short question that falls for our consideration is whether the impugned order, dated 07-04-2000, passed by the Joint Collector, Medak at Sanga Reddy, suffers from any errors requiring our interference.

There is no dispute whatsoever that the Joint Collector entertained the applications filed after a long lapse of more than 14 years and treated them as revision petitions under Section 9 of the Pattadar Pass Books Act 1971 and accordingly set aside the order passed by the Tahsildar, dated 03-04-1981.

Section 9 of the Pattadar Pass Books Act 1971 provides that “the Collector may either *suo motu* or on an application made to him, call for and examine the record of any recording authority, Mandal Revenue Officer, or Revenue Divisional Officer under Sections 3, 5, 5A or 5B, in respect of any record

of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality or the propriety of any decision taken, passed or proceedings made in respect thereof and if it appears to be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly.”

The Tahsildar vide his order, dated 03-04-1981, having perused the title

deeds of the writ petitioners and having regard to the continuous and uninterrupted possession over the lands in question by the writ petitioners and their predecessors in title, passed the orders for correction of the entries in the Record of Rights. Preparation and updating of Record of Rights in respect of all the lands after the commencement of the provisions of the Pattadar Pass Books Act 1971, was undertaken for the first time in the year 1980 itself and in the process of preparation of the Record of Rights, the recording authority made an entry in the column relating to pattadar as “Khata Local Fund”. There was no Record of Rights prepared and maintained under the provisions of the Pattadar Pass Books Act 1971 prior to that of 1980 as it was undertaken for the first time only in the year 1980. It is unnecessary to go into the question as to what were the entries made in the earlier revenue records, since we are concerned with making of entry in the Record of Rights maintained under the provisions of the Pattadar Pass Books Act 1971. There is no delay, as such, on the part of the writ petitioners in approaching the Tahsildar for correcting the entries made by the recording authority in the Record of Rights since the proceedings were initiated immediately after the entry in the Record of Rights by the recording authority. The Tahsildar referred to the statement made by none other than the Zaheerabad Municipality itself to the effect that the lands in question stood in the names of the writ petitioners as per the Municipal records. This aspect of the matter is not denied by the Municipality in this proceedings before us. The records maintained by the Municipality themselves contain the names of the writ petitioners as the owners of the lands in question. The Tahsildar did not commit any irregularity and impropriety in passing the orders directing necessary corrections to be made in the entries made in the Record of Rights by the recording authority. That order passed by the Tahsildar was after due notice to the Municipality against which no appeal has been preferred. Observations of the Joint Collector that the lands in question were recorded in

the revenue records for a period of more than 40 years and the correction was ordered only in the year 1994 is totally untenable and unsustainable. There may have been some delay in implementing the order passed by the Tahsildar in the corresponding revenue records, which is not a ground for setting aside the order of the Tahsildar.

The Joint Collector did not notice the relevant facts that were placed before him viz., in the L.G.C. No.66 of 1991 filed by one Srinivas Goud, who is none other than the brother of the revision petitioner, the Commissioner, Zaheerabad Municipality as well as the Commissioner and Director of Municipal Administration, filed counter affidavits admitting the ownership of the writ petitioners and their possession over the lands in question. The counter affidavits have been filed with reference to the records available with the Municipality as well as the Government. The Joint Collector did not go into the question as to how the Municipality having filed such an affidavit on oath before the Special Court, could have changed its version claiming ownership over the lands in question.

The writ petitioners as well as the Zaheerabad Municipality are the parties to the proceedings before the Special Court.

Of course, the L.G.C. was dismissed for default but not on merits. But it is very well settled and needs no restatement at our hands that “a judgment by consent or default is as effective an estoppel between the parties as judgment whereby the Court exercises its mind of a contested case.” (See: ***In re South American and Mexican Co., Exparte Bank of England; Shankar Sitaram v. Balkrishna Sitaram Sailendra Narayan v. State of Orissa.***

Section 9 of the Pattadar Pass Books Act 1971 confers power upon the Joint Collector that he may either *suo motu* or on an application made to him, call for and examine the record of any recording authority, Mandal Revenue Officer, or Revenue Divisional Officer, in respect of any record of rights prepared or maintained to satisfy himself as to the regularity, correctness, legality and propriety of any decision taken, or order passed or proceedings made by the said authorities. It is true that there is no period of limitation, as such, prescribed for exercising revisional power. It is very well settled that *suo motu* power of revision even where no limitation is prescribed must be exercised within a reasonable time and what is reasonable time has to be determined on the facts of each case. In the instant case, the *suo motu* power is sought to be exercised by the Joint Collector after a long lapse of more than 14 years after disposal of the appeal/representation by the Tahsildar and in fact 19 years were passed by the time the impugned order, dated 07-04-2000, was passed by the Joint Collector. There is no convincing explanation forthcoming as to why the authority waited for such a long time and as to how it could have permitted a stranger to invoke the revisional jurisdiction in such casual manner. The Municipality having suffered the order did not raise its little finger for a period of more than

14 years and all of a sudden filed revision in the company of a stranger. There is no explanation whatsoever, much less, any convincing one offered by the Municipality as to why it had waited for such a long period to challenge the order of the Tahsildar, dated 03-04-1981. There is no allegation of any fraud played by the writ petitioners in obtaining the order, dated 03-04-1981, from the Tahsildar. Admittedly, the writ petitioners did not play any fraud. In the absence of any fraud exercising *suo motu* revisional powers by the Joint Collector after a lapse of 14 years is arbitrary and illegal. Even in case of fraud, the revisional power can be exercised within a reasonable time from the date of detection and

discovery of the fraud.

In ***Ibrahimpatnam Taluk Vyavasaya Coolie Sangam v. K. Suresh Reddy & Others*** a Division Bench of this Court observed:

> "The law is far too well settled that where power is conferred on an authority to exercise *suo moto* revisional power, without setting out the time limit within which the power is to be exercised, the jurisdiction is of necessity required to be invoked within a reasonable time frame, though such reasonable time may vary according to the facts of the case.
> Now stipulation of the limitation for exercise of the *suo moto* power does not authorize the authorities vested with the power to invoke it after a lapse of any length of time since exercise of an administrative power or quasi judicial power is necessarily linked to the concept of Rule of Law enshrined in the Constitution and exercise of such power after long lapse of time is *prima facie* arbitrary. Absence of arbitrariness in exercise of vested power is only reiteration of the principles of prevalence of Rule of Law.
> We do not propose to enter into a long discussion on the subject since the order of the learned single Judge refers to the case law sufficiently. Exercise of such power after 14 to 15 years is *ipso facto* unreasonable."

This position in law is so well settled and evident from the decisions rendered by the Apex Court in **State of Gujarat v. Patel Raghava; Hindusthan Times v. Union of India; Mansoram v. S.P. Pathak; Ramchand v. Union of India; Ibrahimpatnam Taluk Vyavasaya Coolie Sangam v. K. Suresh Reddy.**

The order passed by the Joint Collector conveniently does not refer to the factum of continuous possession of the writ petitioners and their predecessors in title over the lands in question. The order does not take into consideration the affidavits filed on oath by the Zaheerabad Municipality as well as the Commissioner and Director of Municipal Administration in the Special

Court conceding the ownership of the writ petitioners and their being in continuous uninterrupted possession over the lands in question. It does not refer to the earlier statement made by the Municipality conceding the writ petitioners to be the owners of the lands in question.

These were the aspects that were required to be taken in to consideration in order to decide as to whether the Tahsildar, Zaheerabad Taluk, committed any irregularity or illegality in ordering correction of the entries in the Record of Rights. It is true, as observed by the Joint Collector in his order, the entries in the Record of Rights or revenue records by themselves may not confer or take away the title of a person over the land but there must be some basis and evidence for incorporating the names of the parties in the Record of Rights either at the time of preparation or updating of the entries in the record. There is no dispute whatsoever that on the strength of the permission accorded by the local authorities including the very same Municipality from time to time, a cinema theatre, a Ginning and Oil Mill were constructed in a portion of the lands in question. That a portion of the lands in question was divided into house plots after obtaining approval of layout from the very same Municipality. The writ petitioners and their family members have shown the lands in question in their declarations submitted under the Land Reforms Act 1973, and the same was computed into their holdings. Even in the order passed by the Joint Collector, it is not explained as to how the entry “Khata Local Fund” was made in the Record of Rights against the lands in question. The basis for such an entry is neither pleaded nor established. The Joint Collector, Zaheerabad conveniently ignored the counter affidavits filed by the very Municipality and the Director of Municipal Administration in the Special Court admitting the title, possession and enjoyment of the lands in question by Goverdhanlal Pallod and after his demise by the writ petitioners. It was also clearly stated that the Records maintained by the Municipality do not show and indicate that any compensation was paid to

the owners and the possession of the lands was taken over under the acquisition proceedings.

The writ petitioners and their predecessors were never divested of their possession of the lands at any point of time and in whatsoever manner. The order of the Joint Collector is conspicuously silent on this crucial and vital aspect of the matter.

For the aforesaid reasons, we find it very difficult to sustain the order passed by the Joint Collector setting aside the order passed by the Tahsildar, which does not suffer from any infirmity, irregularity or illegality as contended before us.

The writ petitioners are entitled to maintain their possession and the Municipality cannot be allowed to take law into its own hands to dispossess the writ petitioners from the possession of the lands in question. The Municipality cannot be permitted to interfere with possession of the lands in question without reference to any law or legal authority.

Before parting with the case, we may hasten to clarify that the observations made in this order shall have no bearing on the questions of title over the lands in question. Intricate questions of title to the immovable properties can only be decided in a properly constituted proceeding before the competent Court of civil jurisdiction. The summary proceedings under Article 226 of the Constitution of India are totally ill suited for the purpose of resolution of title disputes. Ordinarily, this Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot undertake to resolve the disputed questions as to the title of any immovable property. Public law remedies are not

available for resolution of such disputes.

In such view of the matter, we leave it open to the Municipality to avail such remedies as may be available to it in law, in case it still chooses to dispute the very title of the writ petitioners in respect of the lands in question, in which event, the matter shall be decided on its own merits. Suffice it to hold that the Municipality on its own cannot be permitted to interfere or meddle with the possession and enjoyment of the writ petitioners over the lands in question in whatsoever manner.

For the aforesaid reasons, the order, dated 07-04-2000, passed by the Joint Collector, Zaheerabad Taluk is set aside and the order, dated 03-04-1981, passed by the Tahsildar, Zaheerabad Taluk is restored which shall continue to be in operation.

In the result, W.A. Nos.674, 676 and 678 of 2004 preferred by the writ petitioners are allowed and W.A. No.706 of 2004 preferred by the Zaheerabad Municipality is dismissed. The parties shall bear their own costs.

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B. SUDERSHAN REDDY, J

Date: 13th April, 2005.

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C.V. RAMULU, J

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To

1) The Commissioner,

Nagar Panchayat (Municipal Council),

Zaheerabad.

2) The Joint Collector, Medak at Sangareddy.

3) The Mandal Revenue Officer, Zaheerabad,

Medak District.

4) Two C.D. copies.